

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOVARTIS PHARMACEUTICALS CORPORATION,
NOVARTIS CORPORATION, and NOVARTIS AG,

Plaintiffs,

v.

WOCKHARDT USA LLC and WOCKHARDT
LIMITED

and

SUN PHARMA GLOBAL FZE and
SUN PHARMACEUTICAL INDUSTRIES LIMITED,

Defendants.

NOVARTIS PHARMACEUTICALS CORPORATION,

Plaintiff,

v.

ACCORD HEALTHCARE INC.; ACTAVIS LLC;
APOTEX, INC.; APOTEX, CORP.; GLAND PHARMA
LTD.; DR. REDDY'S LABORATORIES, INC.; DR.
REDDY'S LABORATORIES LTD.; EMCURE
PHARMACEUTICALS USA, INC.; EMCURE
PHARMACEUTICALS, LTD; FRESENIUS KABI
USA, LLC; HIKMA FARMACEUTICA S.A.;
HOSPIRA, INC.; PHARMACEUTICS
INTERNATIONAL INC.; SAGENT
PHARMACEUTICALS, INC.; ACS DOBFAR INFO
S.A.; STRIDES, INC.; AGILA SPECIALTIES
PRIVATE LTD.; SUN PHARMA GLOBAL FZE;
CARACO PHARMACEUTICAL LABORATORIES,
LTD.; SUN PHARMACEUTICAL INDUSTRIES LTD.;
USV NORTH AMERICA, INC.; WOCKHARDT USA
LLC; and WOCKHARDT LTD.,

Defendants.

Civil Action No.

2:12-cv-03967-SDW-MCA

[Consolidated with Civil Action
Nos. 2:12-cv-04393, 2:13-cv-01028,
2:13-cv-02379, and 2:13-04669]

[PROPOSED] ORDER TO SEAL

Upon Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) application for the entry of an Order, pursuant to Local Civil Rule 5.3(c), providing for the sealing of the following documents [D.I. 181]:

- 1) Portions of Novartis’s Response to Certain Defendants’ Requests to Supplement Their Motions to Dismiss with an FDA Letter;
- 2) Portions of the Declaration of Robert W. Trenchard; and
- 3) Exhibits 3–4 to the Declaration of Robert W. Trenchard.

(collectively, the “Subject Material”); the Court having considered the papers submitted on the Motion, the Court hereby finds:

1. The Subject Material contains Defendants Dr. Reddy’s Laboratory; Pharmaceutics International, Inc.; Sagent Pharmaceuticals, Inc.; ACS Dobfar Info S.A.; Emcure Pharmaceuticals USA, Inc.; and Emcure Pharmaceuticals, Ltd. (“Defendants”) confidential and/or nonpublic information, the public disclosure of which could affect legitimate business interests.

2. Upon consideration of the papers submitted in support of this motion, and the materials sought to be sealed, the Court concludes that Novartis has met its burden under Local Civil Rule 5.3(c) and applicable case law, and that these materials should be sealed.

3. Specifically, the Court concludes that:

- a) the Subject Material contains confidential information concerning Defendants’ commercial and/or nonpublic information;
- b) Defendants have a legitimate interest in maintaining the confidentiality of the Subject Material because the confidential information in the Subject Material is commercially sensitive and if publicly disclosed could have

significant commercial impact on Defendants; and

c) there is no less restrictive alternative to the relief sought.

THEREFORE, it is on this _____ day of _____, 2013

ORDERED that Novartis' Motion to Seal is hereby GRANTED; and

IT IS FURTHER ORDERED that the Clerk is hereby directed to seal the Subject Material.

Honorable Madeline Cox Arleo
United States Magistrate Judge